

1           Dean Gazzo Roistacher LLP  
2           Lee H. Roistacher, Esq. (SBN 179619)  
3           440 Stevens Avenue, Suite 100  
4           Solana Beach, CA 92075  
5           Telephone: (858) 380-4683  
6           Facsimile: (858) 492-0486  
7           E-mail: [lroistacher@deangazzo.com](mailto:lroistacher@deangazzo.com)

5 Attorneys for Defendants  
6 State of California by and through California  
Highway Patrol and Officer Ramon Silva

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 SANDRA KIRKMAN AND  
11 CARLOS ALANIZ,  
12 INDIVIDUALLY AND AS  
SUCCESSORS-IN-INTEREST TO  
JOHN ALANIZ, DECEASED,

13 || Plaintiff,

14 ||

15 STATE OF CALIFORNIA;  
16 RAMON SILVA; AND DOES 1-10,  
INCLUSIVE.

17 ||| Defendant.

Case No.: 2:23-cv-07532-DMG-SSC

**DECLARATION OF LEE H.  
ROISTACHER IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT BY DEFENDANTS  
STATE OF CALIFORNIA BY AND  
THROUGH CALIFORNIA  
HIGHWAY PATROL AND  
OFFICER RAMON SILA**

Date: February 28, 2025  
Time: 2:00 p.m.  
Courtroom: 8C  
Judge: Hon. Dolly M. Gee

Complaint Filed: July 28, 2023  
Trial Date: April 15, 2025

20 I, Lee H. Roistacher, hereby declare as follows:

21       1. I am an attorney licensed to practice law in the State of California. I  
22 am also a partner in the law firm of Dean Gazzo Roistacher, LLP, attorneys of  
23 record for defendants State of California by and through California Highway  
24 Patrol and Officer Ramon Silva in this matter. I have personal knowledge of the  
25 following facts, and if called to testify with respect thereto, would do so  
26 competently.

27       2. Attached as exhibit 1 is a true and correct copy of a video recording  
28 ("Truck Video") produced pursuant to subpoena by the California Department of

1 Justice, California Police Shooting Investigation Team as DOJ002222.MOV. A  
2 storage device with the video recording is being separately transmitted to the  
3 Court.

4 3. Attached as exhibit 2 are true and correct copies of excerpts of the  
5 deposition of Andrew Acosta.

6 4. Attached as exhibit 3 are true and correct copies of excerpts of the  
7 statement of Stanley Burtran given to the California Highway Patrol on May 4,  
8 2022 and produced pursuant to subpoena by the California Department of  
9 Justice, California Police Shooting Investigation Team as DOJ03934-DOJ04002.

10 5. Attached as exhibit 4 is a true and correct copy of a transcript of 911  
11 calls from May 4, 2022 produced pursuant to subpoena by the California  
12 Department of Justice, California Police Shooting Investigation Team as  
13 DOJ02403-DOJ02424.

14 6. Attached as exhibit 5 is a true and correct copy of 911 call  
15 recordings produced pursuant to subpoena by the California Department of  
16 Justice, California Police Shooting Investigation Team as DOJ00211.WAV. A  
17 storage device with the audio recording is being separately transmitted to the  
18 Court.

19 7. Attached as exhibit 6 is a true and correct copy of the Incident Log  
20 for May 4, 2022 and produced during discovery by defendants as STATEOFCA  
21 000227-000311.

22 8. Attached as exhibit 7 are true and correct copies of excerpts from  
23 the deposition of John Van Dragt, which include exhibits 3-5 to the deposition.

24 9. Attached as exhibit 8 are true and correct copies of excerpts from  
25 the deposition of Ramon Silva.

26 10. Attached as exhibit 9 are true and correct excerpts from the  
27 statement of Ramon Silva (erroneously labeled Enrique Ramos) given to the  
28 California Department of Justice and produced pursuant to subpoena by the

1 California Department of Justice, California Police Shooting Investigation Team  
2 as DOJ00001-DOJ00068. This document had text highlighted in yellow when  
3 obtained and my staff was unable to remove it. Blue highlights were added by  
4 this firm.

5 11. Attached as exhibit 10 is a true and correct copy of a transcript of  
6 law enforcement dispatch transmissions from May 4, 2022 produced by the  
7 California Department of Justice, California Police Shooting Investigation Team  
8 as DOJ02425-DOJ02453.

9 12. Attached as exhibit 11 is a true and correct copy of law enforcement  
10 dispatch transmission recordings from May 4, 2022 produced pursuant to  
11 subpoena by the California Department of Justice, California Police Shooting  
12 Investigation Team as DOJ00221.WAV. A storage device with the audio  
13 recording is being separately transmitted to the Court.

14 13. Attached as exhibit 12 are true and correct copies of excerpts from  
15 the deposition of Cecil Verdugo.

16 14. Attached as exhibit 13 is a true and correct copy of a photograph  
17 (truck photo) produced pursuant to subpoena by the California Department of  
18 Justice, California Police Shooting Investigation Team as DOJ01786.

19 15. Attached as exhibit 14 is a true and correct copy of the video from  
20 Ramon Silva's BWC of the May 4, 2022 incident produced by CHP during  
21 discovery as STATEOFCA 007879 with the file name Axon Body 2 Video  
22 X81626525 2022-05-01 112520.MP4. A storage device with the video recording  
23 is being separately transmitted to the Court.

24 16. Attached as exhibit 15 are true and correct copies of excerpts from  
25 the statement of Jonathan Van Dragt given to CHP on May 10, 2022 and  
26 produced during discovery by defendants as CHP 00067-00092.

27 ///

28 ///

1       17. Attached as exhibit 16 are true and correct copies of excerpts from  
2 the statement of Ramon Silva given to CHP on May 9, 2022 and produced during  
3 discovery by defendants as CHP 00040-00066.

4       18. Attached as exhibit 17 is a true and correct copy of the MVARS  
5 from Jonathan Van Dragt's patrol vehicle of the May 4, 2022 incident and  
6 produced pursuant to subpoena by the California Department of Justice,  
7 California Police Shooting Investigation Team as DOJ00223.MP4. A storage  
8 device with the video recording is being separately transmitted to the Court.

9       19. Exhibit 18 is a true and correct copy of a video file titled  
10 STATEOFCA007879 Axon Body 2 Video X81626525 2022-05-04 112520-  
11 241118141634 (Side by Side) created by David Blake, as referenced in  
12 paragraph 6.A. of his declaration. A storage device with this recording is being  
13 separately transmitted to the Court.

14       20. Exhibit 19 is a true and correct copy of a video file titled SILVA  
15 BWC\_FULL VERSION w ANNOTATION.mp4. created by David Blake, as  
16 referenced in paragraph 6.B. of his declaration. A storage device with the video  
17 recording is being separately transmitted to the Court.

18       21. Exhibit 20 is a true and correct copy of a video file titled SILVA  
19 BWC\_SEQUENCE w ANNOTATION.mp4. created by David Blake, as  
20 referenced in paragraph 6.C. of his declaration. A storage device with the video  
21 recording is being separately transmitted to the Court.

22       22. Exhibit 21 is a true and correct copy of a PDF document titled  
23 SILVA BWC\_SEQUENCE\_STABILIZED w ZOOM.pdf. created by David  
24 Blake, as referenced in paragraph 6.D. of his declaration.

25       23. Exhibit 22 is a true and correct copy of a PDF document titled  
26 ALANIZ\_SIDE OF ROAD\_ZOOM.pdf. created by David Blake, as referenced  
27 in paragraph 6.E. of his declaration.

28       ///

1       24. Exhibit 23 is a true and correct copy of a PDF document titled  
2 SHOOTING STANCE.pdf. created by David Blake, as referenced in paragraph  
3 6.F. of his declaration.

4       25. Exhibit 24 is a true and correct copy of a PDF document titled  
5 SHOOTING STANCE\_CONTRAST ADJ.pdf. created by David Blake, as  
6 referenced in paragraph 6.G. of his declaration.

7       26. Attached as exhibit 25 are true and correct copies of excerpts from  
8 the statement of Yang Zhou given to the California Department of Justice on  
9 May 4, 2022 and produced pursuant to subpoena by the California Department of  
10 Justice, California Police Shooting Investigation Team as DOJ00168-DOJ  
11 00193.

12       27. Attached as exhibit 26 are true and correct copies of excerpts from  
13 the statement of Evencio Horbino given to the California Department of Justice  
14 on May 4, 2022 and produced pursuant to subpoena by the California  
15 Department of Justice, California Police Shooting Investigation Team as  
16 DOJ00168-DOJ 00193.

17       28. Attached as exhibit 27 are true and correct copies of records from  
18 Los Angeles County produced pursuant to subpoena by the California  
19 Department of Justice, California Police Shooting Investigation Team as  
20 DOJ04248-DOJ04278.

21       29. Attached as exhibit 28 are true and correct copies of records from  
22 McCormick Ambulance Service produced pursuant to subpoena by the  
23 California Department of Justice, California Police Shooting Investigation Team  
24 as DOJ04283-DOJ04306.

25       30. Attached as exhibit 29 is a true and correct copy of an annotated  
26 scene photograph prepared by defendants' expert with a true and correct copy of  
27 a page (DOJ02678) from the MAIT report, with corresponding evidence  
28 numbers (e.g., Cone 6 = DOJ6) produced pursuant to subpoena by the California

1 Department of Justice, California Police Shooting Investigation Team identifying  
2 items of evidence corresponding to the annotated photograph.

3 31. Attached as exhibit 30 is a true and correct copy of a scene  
4 photograph of a black vape device produced pursuant to subpoena by the  
5 California Department of Justice, California Police Shooting Investigation Team  
6 as DOJ01571.

7 32. Attached as exhibit 31 is a true and correct copy of a scene  
8 photograph of an eyeglass case produced pursuant to subpoena by the California  
9 Department of Justice, California Police Shooting Investigation Team as  
10 DOJ01564.

11 33. Attached as exhibits 32-35 are true and correct copies of evidence  
12 photos of the eyeglass case produced pursuant to subpoena by the California  
13 Department of Justice, California Police Shooting Investigation Team as,  
14 respectively, DOJ01540, DOJ01542, DOJ01543, and DOJ01545.

15 34. Attached as exhibit 36 are true and correct copies of excerpts from  
16 the Rule 26 report by plaintiffs' expert Scott DeFoe.

17 I declare under penalty of perjury under the laws of the United States of  
18 America that the foregoing is true and correct.

19 Executed on January 24, 2025.

20

21 /s/ Lee H. Roistacher  
22 Lee H. Roistacher, declarant

23

24

25

26

27

28